

City of LaVerkin

435 North Main St., LaVerkin Utah, 84745

(435) 635-2581 Fax (435) 635-2104

www.laverkin.org

LaVerkin City Council Meeting Minutes

Wednesday, May 15, 2013 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Karl Wilson; Council-Members: Randy Reeve, Richard Hirschi, Phil Jensen, Brandon Stephenson and Ray Justice; Staff: Derek Imlay, Troylinn Benson, Chief Lloyd Watkins, and Christy Ballard; Public: Chief Tom Kuhlmann, John and Rose Valenti, and Ann Wixom.

A. Called to Order – Invocation and Pledge of Allegiance by Mayor Karl Wilson at 6:00pm.

Kevin Bennett has been excused.

B. Appointments:

Mayor Wilson explained that the Board of Appeals is a new board that has been created for people to have the ability to appeal John and Derek's building decisions. The members do need to be contractors or have knowledge of building codes and requirements.

The proposed members are: Sherm Howard who will serve through January 31, 2018, Lance Gifford-Jan 31, 2018, Sid Johansen-Jan 31, 2016, Dennis Mertlich-Jan 31, 2016, and Scott Stratton-Jan 31, 2016.

Motion was made by Councilman Richard Hirschi to accept the names presented as members of the Board of Appeals, second by Councilman Ray Justice.

There is the option for two alternates. Mayor Wilson has not asked anyone to fill those positions yet. He doesn't think this is a Board that will be used much but as construction increases it could be.

Motion carried unanimously.

Planning Commission-Reappoint Anna Andregg to serve until January 2018.

The two alternates are Ann Wixom and Ken Hooten. These are annual positions. Chad Anderson was an alternate but he just resigned.

Motion was made by Councilman Phil Jensen to accept the names presented as members of the Planning Commission, second by Councilman Ray Justice. Motion carried unanimously.

Mayor Wilson commented that the dates have gotten out of order. He and Christy have gone through and corrected them so the new chart should be accurate.

The Board of Adjustments does have one vacancy so if anyone knows of anybody who would be interested in that position let the Mayor know.

The Water Board he would like to appoint Anna Andregg until 2016 and Victor Iverson until 2017.

Motion was made by Councilman Ray Justice to appoint Anna Andregg and Victor Iverson to the Water Board, second by Councilman Richard Hirschi. Motion carried unanimously.

C. Presentations:

Chief Kuhlman reported the Fire District is getting more and more requests about building in the leaner infrastructure portions of incorporated city and town areas as well as unincorporated areas in the County. Right now there are four inquiries for areas that have no water flow or streets. It makes it tuff under the codes that are adopted.

On July 1, 2013 the State adopts the 2012 version of the International Fire Code which will be put on your agenda the first meeting in July for your city to adopt.

State Code allows political subdivisions to adopt a code that is equally as strict as or stricter than the International Fire Code but most cities choose to just adopt the IFC as written or as adopted by the State of Utah.

There is an option available called the Wildlife Urban Interface Code that takes into account building in areas that are less developed. Chief explained that this Code does change some things such as the type of construction that can be done, the access and grades, etc to allow the ability to develop in the more rural areas but with reasonable constraints. This Code also allows you to go in and define which areas of your city would be eligible for the code to be applied to. It also allows the Council to go in every year and make changes to the areas it would cover so as areas are built up they could be removed from the code. Out of all the areas HVFD serves La Verkin is in the best position, most of the areas are already developed accept for the bench area.

Chief Kuhlman is going to each city council in the area to see if there is an interest in that body to adopt that code and allow the different set of standards for individual type developments that would be standing by themselves. If La Verkin is interested he would print off a copy of the Code for staff and the Planning Commission so they could bring it to the City Council.

This fire season is expected to be a busy one, so much so that the Governor has set up a task force to visit different areas around the State and talk to them about what can be done to help mitigate and help put those fires out. This code addresses some of those things.

One of the areas of concern is property that is owned by the State or Federal Government. They pay no taxes but expect the same fire coverage. He then gave the example of the brush fire in Hurricane that was on Federal land in January. The Federal Government tried to get money from Hurricane after HVFD responded to a fire on Federal land and put it out without any assistance. La Verkin may want to look at areas owned by the government and decide if the Wildlife Urban Interface Code will work for those areas or decide if those areas even have a future within the Cities boundaries.

The three things he is asking from the Council is if they are interested in looking at the Wildlife Urban Interface Code, if they would look at the city boundaries and identify which properties the State and Federal Government would want an agreement for, and to pass the International Fire Code during the first meeting in July.

Councilman Hirschi asked if HVFD doesn't request anything to aid in fighting a fire can the Federal Government still bill the city.

Chief answered that the Federal Government considers themselves the authority to any fire within a half mile to a mile of their boarder.

Councilman Hirschi asked if the Council chooses to not do anything does it leave the City of La Verkin open for this to happen to us.

Chief commented that he wished Kevin was here to help answer this question but the way the Code is written it states that the government cannot send a bill to the municipalities only to counties. So he has yet to pay a bill to the government. There has been a push to either extend the Suppression Fund Agreement to include municipalities or just go back to dealing with the counties.

It will be an interesting year dealing with the partners at State level. So far everyone has worked well together. The agreement has been Chief will not bill the State unless they pull him out of the District area

and they will not bill him and so far that has worked and been a wash. At some point they may challenge this agreement.

Chief feels that by adopting the Wildlife Interface Code it will help give a good defense. Applying that Code puts the mitigations in place that should have prevented a fire. The International Fire Code is adopted and if you look at the incorporated State and Federal Lands within the City boundaries it shows a good faith effort, which is a pretty good defense.

The County has adopted the Wildlife Urban Interface Code, now each city will need to. The District is glad to enforce it for you but La Verkin would need to adopt it.

The Council is in support of staff looking into this Code.

Chief Kuhlmann will get copies of the map that show the areas along with copies of the Code to staff.

Mayor Wilson commented that since the "L" fire he has thought about cities annexing large areas. Now he is wondering if that is such a good idea. He also suggested having Kyle look into the BLM area that will probably never be developed.

Chief Kuhlmann suggested listing the property as a future annexation but de-annexing the property for now and let the County cover it under the Suppression Fund.

The Mayor thought that we could de-annex property but put it in the annexation plan. The BLM property may be worth looking into doing that with.

D. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. May 1, 2013 regular meeting minutes
4. Review Invoices and Checks: \$

Motion was made by Councilman Phil Jensen to approve the consent agenda, second by Councilman Richard Hirschi. Roll Call Vote: Reeve-yes, Hirschi-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

E. Committee Reports:

1. Planning Commission – Councilman Hirschi reported that the Planning Commission is currently working on the animal ordinance. They understand that this is a ranching community and they don't want to restrict that but they also realize there needs to be some boundaries set.

Mayor Wilson reported that he has had citizens talk to him about allowing animals, pigs being one of them on property half an acre or larger to help with economic hardship. Chickens are the other animals people have discussed with him. He does agree with Councilman Hirschi that we do need to be careful with the ordinance. Right now the feeding area for animals has to be 50 feet from each property line and on some properties that is zero feeding areas.

2. Water Board – Will be meeting next week.
3. Sewer Board-Blair is not here.
4. Fire District-Chief Kuhlmann reported with his presentation.

F. Citizen Comment & Request for Future Agenda Items:

No comments were made.

G. Public Hearing:

1. FY 2013-2014 Tentative Budget

The tentative budget has been presented to the City Council.

The General Fund balance is \$1,500,700. The Debt Service Fund is \$200,200. Capital Projects Fund are both \$0 at this point, if the Crescent Park Project does not get finished we will need to carry that over into next year. Water Fund is \$648,000 Revenue and positive Expense of \$126. Sewer Fund is \$400,400 Revenue and negative \$24,200 Expenses but that money is in the Fund Equity. Irrigation Fund Revenue is \$65,000, Expenses are negative \$375. Garbage Fund is \$170,000 Revenue, Expense is negative \$1,500 that money too is in the Fund Equity. Drainage is \$145,000 and we will spend \$680 less than that. Cemetery Fund \$8,500 with a transfer from the General Fund is balanced.

In General Fund line 4540.610 is the line that takes care of all activities such as Winterfest. He would like to change that from \$300 to \$14,000. Mayor Wilson made up that difference from the Appropriation of Fund balance changing it from \$116,070 to \$129,770. Those would be the only two differences he would recommend from the original presentation of the Tentative Budget.

Mayor Wilson opened the public hearing at 6:32pm.

No comments were made.

The public hearing was closed at 6:33pm.

2. Application to the Community Impact Board for the Silver Acres Subdivision Project.

Kyle explained that this public hearing is for our application to the Community Impact Board (CIB) for the Silver Acres Project.

Councilman Justice then read the following. To all residents and land owners in La Verkin City: La Verkin City will hold a public hearing to discuss making application to the Community Impact Board for a project to replace the waterlines, fire hydrants, roadways, curb and gutter and all associated appurtenances in the Silver Acres Subdivision. Items to be discussed include: funding options, project scope, implementation schedule and its effects on residents.

Date: May 15, 2013

Time: 6:00pm

Place: 111 South Main Street, La Verkin UT

Please contact Kyle Gubler for further information at (435)635-2581.

Kyle explained that staff is proposing a 50/50 loan grant from CIB. We are proposing to the Board we get a \$274,000 loan at 1 ½ % interest for 20 years and that we will apply also for a \$273,000 grant from CIB with the City putting in \$21,765. That would be a total project funding of \$568,765. The payoff for the loan over the 20 years will be \$17,555 and will come out of the General Fund, Water, and Drainage Revenue.

There are different variations of funding that may be possible. However, this will be our first proposal to the Board.

The public hearing was opened at 6:36pm

No comments were made.

The public hearing was closed at 6:37pm.

H. Business:

1. Discussion and possible action to approve Resolution No. R-2013-10; Adoption of the FY 2013-2014 Budget.

Councilman Hirschi asked if this budget includes the two vehicles and the generators.

Mayor Wilson answered that the vehicles are in this budget but the generators are not. It had been decided to wait until the tax money came in to make sure the money was there or until after June 30th to see if there was enough money left in the Fund Equity.

Mayor Wilson asked if the Councilmen had a problem adopting the budget or if they would like to wait until the next meeting.

Motion was made by Councilman Brandon Stephenson to approve Resolution No. R-2013-10; Adoption of the FY 2013-2014 Budget with the changes made to the General Fund line 3990 Appropriation of Fund Balance from \$116,070 to \$129,770 and line 4540.610 Recreation from \$300 to \$14,000, second by Councilman Phil Jensen. Roll Call Vote: Justice-yes, Stephenson-yes, Jensen-yes, Hirschi-yes, Reeve-yes. Motion carried unanimously.

I. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle reported that Family Dollar is looking at property in La Verkin. There will be a joint utility meeting next week for that.

Per Council request Troylinn, Christy and Kyle met with Zions Bank to find a way to reduce the fees we are being charged. They will be getting back with us after they have a chance to analyze our account.

Wal-Mart received a shipment of plants they didn't order and donated them to the City. Some of them will be used at the Crescent Park, hopefully as a match.

Listed on the hand out Kyle gave to the Councilmen are the two funding options for the Silver Acres Project and the CIB. The first option is the one that will be presented.

The filing dates for the upcoming election is June 3-June 7 since June 1 & 2 are weekend days.

There are two councilmember positions and the mayor position that will be open.

The prioritization list he and Derek go over every week is included in Kyle's handout. The highlighted items have been completed. Derek and his crew do a great job.

Councilman Stephenson asked when the Crescent Park project was going to start.

Kyle replied staff is planning on starting this Friday.

Councilman Justice asked if the utility companies had run all of their lines for the hotel property so nothing would have to be torn up after the Crescent Park project has started.

Derek replied that all of that has been taken care of.

Public Safety- Chief Lloyd Watkins

Chief looked at the stats of how often the County assisted La Verkin PD in the past year and they have been involved in about 25% of our calls. We have been handling 75-80%.

The other thing he looked at was the officer per capita. We are at 66% staffing level. So those two numbers show that our officers are busy.

We have hired Officer Chris Ray. He comes from Washington City with about 17 years' experience and received Officer of the Year award for this area last year. He lives in St. George but within the set radius and will be starting May 28th.

Director of Operations-Derek Imlay

The roof project is almost complete. The Manufacture rep will be coming down to sign off on the project and the two skylights need to be installed and then it will be complete.

The Family Dollar joint utility meeting will be May 22nd. They will be doing a lot line adjustment and getting approval on the plans.

He just received the plans and has done a partial review for Sunset View Estates. The joint utility meeting for that will tentatively be June 6. This will come to City Council for approval of the Development Agreement and then the Preliminary approval of the Platt.

John did a first floor electrical inspection on the hotel this week. They are moving pretty fast.

Treasurer-Troylinn Benson

Thanked Derek, Jennifer, and Christy for covering for her vacation.

She passed out the financial report.

Mayor Wilson:

Mayor Wilson passed out a copy of a letter he received from the Governor and asked the Councilmembers to read it and get back to him. He thinks this is something the City may want to consider.

The DTEC meeting today officially adopted the bylaws for the MPO boundaries. La Verkin ended up very well with one full vote. He feels the change will be beneficial to all of the communities in the County. As of July 1st the RPO will be dissolved and we will join the MPO.

Jensen: There was a Solid Waste meeting on Monday. The two topics discussed were the composting changes. They received several complaints about the smell so they have made changes and the smell has not been a problem. However now they are getting complaints that there is not enough compost to go around.

The other issue involves La Verkin directly. It is the issue of the 2008 discrepancy. There were some on the Board who felt that enough time has passed to not worry about it but others felt that if there was any way that the director could go over it again with La Verkin to please do so. Neil is the director and he will be writing a letter to meet with Troylinn, the Mayor, and Kyle to go over it with them. To show them what had happened and how it happened.

Councilman Jensen does want to make certain that when that meeting takes place it is brought forth and put in the minutes at their next meeting that La Verkin went back through their records to 2005. The indication was that La Verkin did not have the sufficient records which according to the Mayors letter, we do. If it does show that La Verkin does owe that money the Solid Waste District indicated that they are willing to work with us in paying that money and there will be no penalties.

The consensus of the Board was that burden of proof does lie with the Solid Waste District.

Councilman Jensen wanted to make sure they realized that La Verkin is not trying to get out of paying a bill they owe but they also don't want to pay a bill they don't owe.

Justice: Attended the ZC3 meeting today. They discussed the Crescent Park project and the sign that will be there. Confluence Park meeting was also today. They are discussing the grant application for the

Hurricane Trial Head. If that is awarded it is a 60/40 grant so between the three cities we will need to come up with approximately \$69,000 in in-kind participation.
CERT is still accepting applications.

Hirschi: Nothing further to report on.

Reeve: Nothing to report.

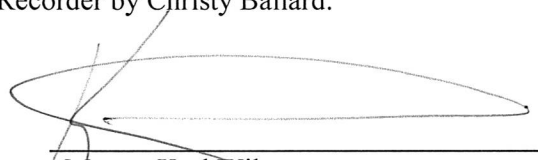
Stephenson: Nothing to report.

Adjourn:

Motion was made by Councilman Brandon Stephenson to adjourn, second by Councilman Ray Justice. Motion carried unanimously at 7:06pm.

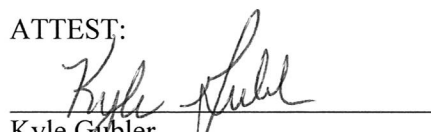
Minutes were taken on behalf of the City Recorder by Christy Ballard.

June 5, 2013
Date Approved



Mayor, Karl Wilson

ATTEST:



Kyle Gubler
City Recorder

